

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29967. Adulteration of canned spinach. U. S. v. 30 Cases and 39 Cases of Spinach. Default decrees of condemnation and destruction. (F. & D. Nos. 43472, 43473. Sample Nos. 21381-D, 22248-D, 24772-D.)

This product was in part decomposed.

On or about August 29 and 31, 1938, the United States attorneys for the Northern and the Eastern Districts of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 cases of canned spinach at Dixon, Ill., and 39 cases of canned spinach at Danville, Ill.; alleging that the article had been shipped in interstate commerce on or about March 22, 1938, by Cane Hill Canning Co. from Lincoln, Ark. (the product was invoiced by Central Cannery, Inc., Fayetteville, Ark.); and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On October 24 and December 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29968. Adulteration and misbranding of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. No. 43792. Sample No. 21181-D.)

This product contained less than 80 percent of milk fat, and mineral oil had been substituted in part for butterfat.

On or about August 12, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 20, 1938, by the Archer Produce Co. from Vinita, Okla.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923; and in that mineral oil had been substituted in part for butterfat.

It was alleged to be misbranded in that it was labeled "Butter," which labeling was false and misleading when applied to an article containing less than 80 percent of milk fat, and which contained mineral oil.

On December 21, 1938, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and not sold for food consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29969. Misbranding of canned cherries. U. S. v. 182 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. No. 44360. Sample No. 49681-D.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On November 16, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 182 cases of canned cherries at Fort Worth, Tex.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by Producers Canning Co. from Fort Collins, Colo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Producer's Brand Water Pack Colorado Red Pitted Cherries."